



**WILSON  
KEADJIAN  
BROWNDORF**

Darren W. Saunders  
Partner  
200 Park Avenue, Suite 1745  
New York, NY 10166  
DID: (646) 783-3653  
FAX: (646) 553-5899  
dsaunders@wkbllp.com

January 12, 2017

Patagonia, AZ

**BY ECF**

The Honorable Katherine B. Forrest  
United States District Court  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2230  
New York, New York 10007

Irvine, CA

Los Angeles, CA

Washington, D.C.

**Re: *Aquazzura Italia SRL v. Ivanka Trump et al.*, No. 16-cv-4782 (KBF)**

Dear Judge Forrest:

Western Springs, IL

We represent the defendants in this action. We write in response to plaintiff's letter dated January 10, 2017 and the Court's Order of the same date that defendants articulate their position, by letter on ECF not later than today, on plaintiff's request for leave to amend the Complaint to add a design patent claim by January 18, 2017.

Worcester, MA

Merrillville, IN

In the Scheduling Order dated September 23, 2016, the Court set November 10, 2016 as the date for a proposed amendment to add a design patent claim. Subsequently, defendants consented to two extensions, the first to November 30, 2016, and the second to December 30, 2016, which the Court granted. In so ordering the second request, the court stated, "This is the final extension on this issue."

National Harbor, MD

Cherry Hill, NJ

The parties are well into fact discovery. Defendants served their discovery requests on November 15, 2016 and plaintiff served its responses on December 19, 2016.

New York, NY

Defendants will be serving their discovery responses tomorrow. The parties will be producing documents imminently and defendants intend to schedule depositions as soon thereafter as possible. If the patent claim amendment is now permitted, defendants would not even receive responses to discovery requests directed to the new claim until late February 2017. In consideration of the time it will take for document production and review, resolution of potential discovery disputes, and the scheduling of depositions of foreign based witnesses, an amendment at this late date will cause undue delay in discovery.

Philadelphia, PA

Brookfield, WI

Accordingly, defendants' position is, the Court should deny plaintiff's request for leave to amend. In the alternative, should the Court grant leave and permit amendment of the Complaint, we believe that defendants' proposal for expedited discovery (i.e. responses due 15 days after service) on the claim is reasonable.

Cologne, Germany

London, United Kingdom

The Honorable Katherine B. Forrest

January 12, 2017

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Finally, we note that defendants renewed their request that plaintiff provide the patent drawings to defendants' counsel in strict confidence to get a jump start on the issue and to potentially resolve the claim, but plaintiff again refused.

Respectfully,

A handwritten signature in black ink, appearing to read "Darren W. Saunders". The signature is fluid and cursive, with the first name "Darren" and last name "Saunders" clearly distinguishable.

Darren W. Saunders

cc: All Counsel via ECF